

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JACK LEE BOUNDS,)
Plaintiff,)
v.) No. 4:13CV297 CDP
CORIZON, INC., et al.,)
Defendants.)

MEMORANDUM AND ORDER

This matter is before me on plaintiff's motion for leave to file an amended complaint. I will grant the motion and direct the Clerk to reopen this action.

Plaintiff brought this action under 42 U.S.C. § 1983 for alleged deliberate indifference to his serious medical needs and under Title II of the ADA for alleged non-compliance. I reviewed the complaint under 28 U.S.C. § 1915(e) and found that it failed to state a claim upon which relief can be granted. Plaintiff failed to properly plead his § 1983 claims, and plaintiff's ADA claims failed as a matter of law because Title II of the ADA applies only to public entities and not to any of the named defendants.

In his amended complaint, plaintiff brings only § 1983 claims. Named as defendants are Dr. Charles Scott, Dr. J. Ibrahim, Dr. Elizabeth Conley, and Corizon, Inc. Plaintiff alleges that he suffered a devastating foot injury in the Korean War, for

which he requires custom orthotics to walk. Plaintiff claims that defendants have refused to provide him with the orthotics, and as a result, he has missed meals and is in pain. Plaintiff further alleges that Corizon, Inc., has a policy and practice of denying necessary orthopedic devices to cut costs. Plaintiff also claims he is in need of injections in his vocal cords because of pain but that Dr. Ibrahim will not provide them and Corizon will not approve the expense. Upon review under 28 U.S.C. § 1915(e), I find that the complaint states a plausible claim of deliberate indifference under the Eighth Amendment against each of the named defendants. Therefore, I will order the Clerk to serve process on the amended complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration and for leave to file an amended complaint [ECF No. 7] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall reopen this action.

IT IS FURTHER ORDERED that the Clerk shall issue process on the amended complaint.

Dated this 17th day of May, 2013.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE